

Matter of Joseph Makhani v Honorable Diane Kiesel

Motion No: 2023-00367

Slip Opinion No: 2023 NY Slip Op 64456(U)

Decided on April 06, 2023

Appellate Division, First Department, Motion Decision

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Judiciary Law § 431.

This motion is uncorrected and is not subject to publication in the
Official Reports.

Supreme Court of the State of New York
Appellate Division, First Judicial Department

PRESENT: Hon. Dianne T. Renwick,
David Friedman
Anil C. Singh
Martin Shulman
John R. Higgitt,

Acting Presiding Justice,

Justices.

In the Matter of Joseph Makhani,
Petitioner,

Motion No. 2023-00367
Ind. No. 1420/21
Case No. 2022-03338

-against-

The Honorable Diane Kiesel, etc., et al.,
Respondents.

Petitioner having commenced an original proceeding in this Court pursuant to Article 78 of the Civil Practice Law and Rules seeking a writ of prohibition to enjoin and prohibit respondents from directing that the indictment against petitioner proceed to trial, and

A decision and order of this Court having been entered on November 17, 2022 (Appeal No. 16444) granting the petition to the extent of directing that respondent Attorney General of the State of New York is prohibited from continuing to prosecute petitioner in the criminal proceeding entitled *People v Makhani* (N.Y. County Ind. No. 1420/21) and that respondent Hon. Diane Kiesel is prohibited from continuing to exercise jurisdiction over that criminal proceeding, and dismissing the indictment, and

The New York State Office of the Attorney General having moved, pursuant to CPL 210.20(4), for leave to resubmit the charges dismissed by the aforesaid decision and order to a new grand jury,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted.

ENTERED: April 06, 2023

A handwritten signature in black ink, reading "Susanna Molina Rojas". The signature is fluid and cursive, with the first name "Susanna" being more prominent and the last name "Rojas" following in a similar style.

Susanna Molina Rojas
Clerk of the Court